

**PLANNING COMMISSION
MEETING MINUTES
Monday, April 4, 2022**

I. Call to Order and Roll Call

The Meeting of the Planning Commission was called to order at 7:33 PM by Chairman Matt Kowalski with roll call:

Matt Kowalski, Chair
Allison Heatley
Chet Hill

Thomas Phillips
Kyle Marsh
Wa Hubbard, Ex-officio

Jim Carty
Karen Roberts
Dustin Wise

Student Reps: Isabella Malek-ABS; Stuart Bovich present

Also present: Michelle Aniol, Community Development Manager, Megan Masson-Minock, Consulting Planner, Pamela Weber, Recording Secretary, Shawn Keough, Mayor

Also attending remotely: Donna Fisher, City Council Member, Allison Bishop, Justin Dalenberg and Nate Pound.

II. Action on Meeting minutes from: Regular Meeting Minutes – March 7, 2022

Motion; Hill support Wise to approve the March 7, 2022 Regular Meeting Minutes as presented with the following correction:

Change VI.C. from "She gave a briefing" to "Commissioner Roberts reported" on the Parks and Recreation collaborative meeting that occurred.

Unanimous voice vote approval.

III. Approval of agenda

Motion Hill; support Roberts to approve the agenda as presented.

Unanimous voice vote approval.

IV. Public Hearing(s) - None

V. Pre-Arranged Participation - None

VI. Reports of Officers:

- Chairman Report - None
- Planning Commissioners and Council Ex officio Reports – None

- Committee Reports
Zoning Board did not meet. There may be a Zoning Board meeting in May.
- Community Development Office Reports – CDM
Nothing verbal for now.

VII. Citizen Wishing to Address the Commission (Non-Arranged Participation) - None

VIII. Old Business –

- A. AP2021.22-09 PSP/SLU Mill Creek Brewery – Consideration of a Parking Waiver Request submitted by the applicants, Dexter Mill Holdings, LLC and the property owner, 76 Properties, LLC. Action on Site Plan and/or Special Land Use will not be considered at this time.

Ms. Aniol provided the following summary for Commission Members:

The Planning Commission was scheduled to conduct a public hearing during its March 7, 2022 regular meeting, for the purpose of considering a special land use request, submitted by Dexter Mill Holdings, LLC. The applicants were seeking preliminary site plan and special land use approval for a full-service restaurant with an accessory nanobrewery, outdoor service area (for outdoor seating), and bike rental and repair shop, for property located at 8081 Main Street ((08-03-31-474-010).

Although there was a quorum to conduct the meeting, Commissioner Phillips recused himself due to a stated conflict of interest, which then resulted in there not being the quorum required to take action. The Planning Commission still allowed the applicant to make its presentation; and allowed staff, the planning and engineering consultants, and DAFD to present their reviews; and held a public hearing. After the public hearing, the Planning Commission discussed (without a quorum) the parking requirements, parking waivers, the payment-in-lieu of parking option, and existing public parking within a 5-minute walk of the site. Although the Planning Commission was not able to take action, their discussion provided the applicants with valuable information regarding their next steps.

Following March 7, 2022 meeting, the applicant submitted a written request asking the Planning Commission to waive 28 of the 87 on-site parking spaces, which are required to serve the proposed development. In support of that request, and in accordance with Section 5.03.A, the applicants also offered

to make a voluntary contribution to the City's Parking Fund, in lieu of providing 15 required on-site parking spaces.

The applicants have also indicated they intend to ask City Council to reduce the per parking space fee from \$9,000 to \$2,500, with a provision that it to be paid over a number of years. That request is similar to the one submitted by Erratic Ales, which Council approved in 2019.

If the Planning Commission grants the applicants' request to waive 28 required on-site parking spaces, and if the Commission accepts the applicants offer to make a voluntarily contribution to the City's Parking Fund, in-lieu of providing 15 required parking spaces, a total of 44 on-site parking space would be allowed.

The Planning Commission must balance that information with the factors that could affect the distance people are willing to walk before reaching their destination. Those factors include the street pattern (e.g., grid); sidewalk design; environmental factors (e.g., weather, topography, etc.); and safety, which in this case might be mid-block crossing of Main Street or the Main Street bridge sidewalk; not to mention, the purpose for the walk. Walking trips for shopping/dining, errands and reaching transportation (e.g., bus stop) tend to be shorter (i.e., 5-minutes), compared to walking trips for accessing public parks (i.e., 10 minutes).

The Planning Commission must determine if a deviation from the requirements of Section 5.03.A, in accordance with Sections 5.01.G and 5.03.B, to allow 44 on-site parking spaces, will result in a sufficient number of parking spaces to accommodate the proposed use. The following factors are provided for the Planning Commission's consideration and discussion, prior to action on the applicant's request:

- The subject site is located adjacent to a walkable downtown, just across the Mill Creek;
- Pedestrians and bicyclists can safely access the site via a network of sidewalks and non-motorized pathways;
- More than 450 public parking spaces are available within a 5-minute walk of the site; and
- The applicant has voluntarily offered, in writing to contribute to the City's Public Parking Fund, in lieu of providing 15 parking spaces.

Ms. Allison Bishop stated the owners are hoping to get approval for the restaurant. They will be submitting the final site plan in May for the June Planning Commission meeting. The question remaining is how the city will allow the project to move forward with the parking, given they have maximized parking with all the site constraints (railroad, creek, etc.).

Commission Members discussed the various issues regarding parking for this site including:

- The idea that the City of Dexter will be "subsidizing" parking for this project.
- The City's high requirement for parking compared to other nearby cities.
- Holding this project to similar standards as done for the Erratic Ales project.
- Walking distance factors.
- This project is penalized by its location. Businesses across the street, in a different zoning district, do not have the same parking requirements.

Motion Carty; support Roberts that pursuant to Section 5.01.G, the Planning Commission has determined a deviation from the requirements of Section 5.03.A will not provide a sufficient number of parking spaces, which are needed to accommodate the specific characteristics of the proposed Mill Creek Brewery; and therefore, pursuant to Section 5.01.G of the Zoning Ordinance, the Planning Commission denies the applicants' request to waive 28 of the 87 off-street parking space required in Section 5.03.A, and then, pursuant to Section 5.03.B of the Zoning Ordinance, the Planning Commission rejects the applicants offer to voluntarily contribute a one-time fee, to the City's Public Parking Fund, in an amount established by resolution of City Council, in lieu of providing 15 on-site parking spaces. Furthermore, any affirmative action taken by the Planning Commission, as is pertains to the applicants' parking waiver request shall be subject to the following conditions:

1. The applicant must obtain final site plan approval; and
2. The applicant must obtain special land use approval.

Ayes: Wise, Hill, Carty, Heatley

Nays: Roberts, Marsh, Kowalski, Hubbard

Abstains: Phillips

Motion Fails

Motion Roberts; support Marsh that pursuant to Section 5.01.G, the Planning Commission has determined a deviation from the requirements of Section 5.03.A will provide a sufficient number of parking spaces, which are needed to accommodate the specific characteristics of the proposed Mill Creek Brewery; and therefore, pursuant to Section 5.01.G of the Zoning Ordinance, the Planning Commission approves the applicants' request to waive 28 of the 87 off-street parking space required in Section 5.03.A, and then, pursuant to Section 5.03.B of the Zoning Ordinance, the Planning Commission accepts the applicants offer to voluntarily contribute a one-time fee, to the City's Public Parking Fund, in an amount established by resolution of City Council, in lieu of providing 15 on-site

parking spaces. Furthermore, any affirmative action taken by the Planning Commission, as is pertains to the applicants' parking waiver request shall be subject to the following conditions:

1. The applicant must obtain final site plan approval; and
2. The applicant must obtain special land use approval.

Ayes: Marsh, Roberts, Kowalski

Nays: Wise, Heatley, Hubbard, Carty, Hill

Abstains: Phillips

Motion Denied

Motion Carty; support Wise that pursuant to Section 5.01.G, the Planning Commission has determined a deviation from the requirements of Section 5.03.A will provide a sufficient number of parking spaces, which are needed to accommodate the specific characteristics of the proposed Mill Creek Brewery; and therefore, pursuant to Section 5.01.G of the Zoning Ordinance, the Planning Commission approves a waiver of 14 of the 87 off-street parking space required in Section 5.03.A. Furthermore, any affirmative action taken by the Planning Commission, as is pertains to the applicants' parking waiver request shall be subject to the following conditions:

1. The applicant must obtain final site plan approval; and
2. The applicant must obtain special land use approval.

Ayes: Heatley, Wise, Hubbard, Roberts, Carty, Hill, Kowalski

Nays: Marsh

Abstains: Phillips

Motion Carries

IX. New Business –

- A. AP2021.22-10 AASPR Variety Die & Stamping- Consider an amendment to the approved final site plan for Variety Die & Stamping to allow a deviation from the requirement in Section 3.16.D, for a gate on the 4th side of a dumpster/waste enclosure.

Motion Carty; support Heatley that pursuant to Section 3.16.D.2, and based on the information presented by the applicant and staff, the Planning Commission finds gates shall not be required, provided the applicant plants 3 evergreens, as cited herein, to ensure the enclosure opening will not be visible from Bishop Cr W.

Ayes: Heatley, Hubbard, Roberts, Phillips, Hill, Carty, Marsh, Wise, Kowalski

Nays:

Motion Carries

X. Proposed business for Monday, May 2, 2022:

- A. CIP 2022-2027 – Public Hearing
- B. Zoning Ordinance Update Review

XI. Citizens wishing to address the Commission – None

XII. Adjournment

Motion Carty; support Roberts to adjourn at 8:57 PM
Unanimous voice vote approval.

Respectfully submitted,

Pamela Weber
Recording Secretary

Approved for Filing: May 2, 2022